IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 281 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

STATE OF GUJARAT

Versus

ARVINDBHAI GULABDAS

Appearance:

MR SAMIR DAVE, APP for Petitioners

None present for Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 07/11/2000

ORAL JUDGEMENT

#. Heard the learned counsel for the parties.

#. It is not in dispute that the accused were having pass for 150 Toplas bearing No.147329 dated 6.12.1993. However, in the tempo, 986 Toplas in excess were there

for this the pass was not there. These Toplas are of dry Bamboo on which fact also there is no dispute.

#. This Court in the case of Shantilal Nathubhai Kotawalia and ors. v. State of Gujarat in Special Civil Application No.6275 of 1983 decided on 17/18.3.86, held that Toplas, Palas, Supdas made from Bamboo chips cannot be considered as forest produce and would not fall within the definition of that term as envisaged under the Forest Act. The learned Sessions Judge, relying on this decision of this court passed the impugned order and as the matter is covered by decision of this court, no interference is called for therein under Article 227 of the Constitution of India more so when it is not the case of the petitioner that the judgment aforesaid of this court has been reversed by Division Bench of this Court or Hon'ble Supreme Court of India.

#. In the result, this Special Criminal Application fails and the same is dismissed. Rule discharged. Interim relief if any, earlier granted stands vacated. No order as to costs.

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(sunil)